REMARKS/ARGUMENTS

The claims are 1-5, which have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Norito et al. U.S. Patent Application Publication No. 2003/0180572* alone (claims 1-3) or further in view of *Braus et al. U.S. Patent No. 4,847,135* (claims 4-5).

This rejection is respectfully traversed and reconsideration is expressly requested.

As recognized by the Examiner, the primary reference to *Norito et al.* simply discloses a running layer which is considerably thicker than the wear-induced decrease to be expected during the running time of the bearing. Although the Examiner has taken the position that it would have been obvious to one of ordinary skill in the art to measure the beginning thickness of the running layer in such a way that it is decreased or worn out at the end of the running time of the bearing, it is respectfully submitted that this position is simply based on hindsight with knowledge of Applicants' invention as set forth in claim 1.

Although the Examiner has taken the position that designing a component to last a particular service life period based on particular parameters such as time and loading is a known engineering design technique, it is respectfully submitted that there is nothing in *Norito et al.* or anywhere else that would lead one skilled in the art to conclude that the average service life of a slide layer should be used to calculate the initial thickness of the cover layer so that the cover layer will wear away at a time not later than the time at which the slide layer experiences metal breakage. It is respectfully submitted that there is nothing in *Norito et al.* that would provide guidance to one skilled in the art in solving the problem, namely the necessity of a change of bearing on the bearing itself in order to avoid a breaking of the bearing metal.

A prerequisite of Applicants' invention as set forth in claim 1 as amended is the recognition that the wearing-out of a cover layer forming a running layer for the friction bearing independent from the original layer thickness of the running layer depends on only the bearing load and the running time so that the wearing out of the running layer is proportional to the number of the load reversals at an average bearing load and can, therefore, be used as a measure for the load reversal. In other

words, at a starting thickness of the running layer corresponding to the number of bearing or load reversals until the breakage of the bearing metal, the remaining thickness of the running layer represents a measurement for the remaining running time of the bearing, whereby at the wearing out of the total running layer the end of the bearing is reached because the bearing metal then loses its strength.

It is respectfully submitted that there is nothing in *Norito et al.* that discloses or suggests that the wearing-out of the running layer is largely independent from the thickness of the running layer. In fact, one skilled in the art would believe that, for example, the stressability of a bearing is dependent upon the thickness of the running layer.

Of course, with knowledge of Applicants' invention as set forth in claim 1 as amended, it is simple to argue that one skilled in the art should have the ability at a certain wear and tear present to select the beginning layer thickness in such a way that at the end of the running time of a bearing the total running layer is worn down. It is respectfully submitted, however, that the problem to be solved does not lie therein to select the beginning layer thickness in dependence from a given

wear in such a way that the metal layer becomes visible through the running layer at the end of the running time of a friction bearing. Rather, the problem consists in providing a bearing which can indicate the impending end of the running time itself. It is respectfully submitted that *Norito et al.* fails to disclose or suggest or provide any indication in that regard at all. Nothing has been found in *Norito et al.* that would indicate that the wear and tear of the running layer provides a statement regarding the fatigue strength of the metal layer of the friction bearing.

Accordingly, it is respectfully submitted that objectively judging the disclosure of *Norito et al.* leads to the conclusion that one skilled in the art would not be able to find any indication for the solution to the problem with Applicants' bearing as set forth in claim 1 has solved. Moreover, there is no reason why one skilled in the art would modify *Norito et al.* in the manner suggested by the Examiner.

The remaining reference to *Braus et al.* cited with respect to claims 4 and 5 as teaching the use of graphite or molybdenum sulfide as a coating surface for the purpose of improving the friction of the sliding properties of the bearing has been
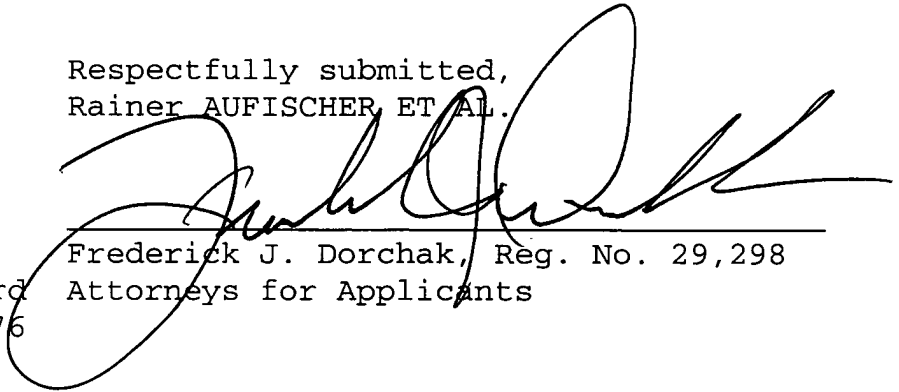
considered but is believed to be no more relevant. There is no disclosure or suggestion in *Braus et al.* of a bearing for reducing friction with a support shell and a slide layer made of a bearing metal which is applied to the support shell wherein the average surface life of the slide layer is used to calculate the initial thickness of the cover layer carried by the slide layer so that the cover layer will wear away at a time not later than the time at which the slide layer experiences metal breakage.

Accordingly, it is respectfully submitted that the claims are patentable over *Norito et al.* and *Braus et al.* whether considered alone or in combination.

In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,
Rainer AUFISCHER, ET AL.

COLLARD & ROE, P.C.   Frederick J. Dorchak, Reg. No. 29,298
1077 Northern Boulevard   Attorneys for Applicants
Roslyn, New York 11576
(516) 365-9802
FJD:djp

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 19, 2009.

_____
Kelly Espitia